

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6589 of 1995

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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SABARKANTHA JILLA NIVRUTT

PRATHMIK SHIKSHAK SANGH

Versus

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Appearance:

MR KB PUJARA for Petitioner

MISS. B.R. GAJJAR instructed by MR DA BAMBHANIA

Solicitor to the Government for Respondent No. 1 to 5

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CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 11/04/96

ORAL JUDGEMENT

At the request of both the sides the matter is taken up for final disposal.

The only grievance voiced by the petitioners through their learned counsel is that though the petitioners are entitled to the benefit of the Government Resolution dated 5.7.1991, a copy of which is at Annexure-A to the petition, the respondent authorities

have not revised their pay as per that Resolution and refixed their pension on that basis. Under the Resolution of 5.7.1991 at the end of 9, 18, 27 years of service higher pay scales were contemplated. This Resolution was later on superseded by the Resolution dated 16.8.1994 by which the number of years was changed from 9, 18, 27 years to 9, 20, 31 years. According to the petitioners in the latter Resolution dated 16.8.1994 at Annexure-C to the petition, it was made clear that those who had retired between 1.6.1987 and 31.7.1994 would be governed by the earlier Resolution dated 5.7.1991. The petitioners have already retired from service since long and if they were entitled to the benefit of the Government Resolution dated 5.7.1991 for higher pay scale at the end of 9, 18, 27 years, it was incumbent on the respondents to take an early decision in the matter for the purpose of revising their pensionary benefits and pay the amounts due to them. Under these circumstances it is directed that the concerned authorities of the respondents will immediately consider the case of the petitioners in light of the Resolution dated 5.7.1991 and take a decision for fixing their higher pay scales at the end of 9, 18, 27 years as may be admissible to them and give revised pensionary benefits worked out by the concerned authorities on that basis. This should be done expeditiously, and, therefore it is directed that the concerned authorities of the respondents shall consider the matter and take a decision regarding fixation of higher pay scale of the petitioners at the end of 9, 18 27 years as may be admissible under the Resolution dated 5.7.1991 within eight weeks. The authorities were, in fact, expected to decide this question before December 1993 as per the Government communication dated 8.9.1993. On fixation of pay as may be admissible under the Resolution dated 5.7.1991 whatever amounts may be found due and payable to the petitioners should be paid within two weeks after taking that decision. The amounts that may be found admissible from earlier dates would have been paid to the petitioners if decisions were taken within a reasonable time. The admissible amounts having remained with the respondents, it would be appropriate to direct the concerned authority of the respondents to pay the amounts that may be due to the petitioners on application of the Resolution dated 5.7.1991 with interest at the rate of 12 per cent per annum from the date on which they may be held to be due and payable to the petitioners by the concerned authorities. Rule is made absolute accordingly with no order as to costs.

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